

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kajihara et al.

Application Serial No.: 10/565,799

Filing Date: January 25, 2006

For: **AMINATED COMPLEX-TYPE SUGAR CHAIN DERIVATIVES AND PROCESS
FOR THE PRODUCTION THEREOF**

Confirmation No.: 9645

Group Art Unit: 1623

Examiner: Jonathan S. Lau

Date: August 4, 2010

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Sir:

Pursuant to 37 C.F.R. § 1.705(b), Applicant submits this request for revision of patent term adjustment (PTA) for the above-referenced U.S. Patent Application No. 10/565,799 (the '799 application), filed January 25, 2006. Applicant respectfully submits that the '799 application is entitled to an additional 3 days of patent term adjustment. Accordingly, reconsideration of the PTA calculation to increase PTA from 294 days to 297 days is respectfully requested.

Pursuant to 37 C.F.R. § 1.705(b)(1), provided herewith is authorization to charge Deposit Account No. 50-0220 in the amount of \$200.00 as the fee set forth under 37 C.F.R. § 1.18(e).

Pursuant to 37 C.F.R. § 1.705(b)(2) provided below is the following statement of facts.

"A" Delay

A first PTO action was due on or before March 25, 2007 (the date that is fourteen months after January 25, 2006, the date on which the application fulfilled the requirements of 35 U.S.C. § 371). The PTO mailed the first non-final Office Action on March 4, 2008, thereby according a PTO delay of 345 days. The PTO has calculated 342 days of "A" delay. Applicant respectfully submits that the PTO's calculation of this "A" delay is incorrect and that the correct PTO delay for issuance of a first action after 14 months is 345 days.

The PTO has accorded the '799 application with a date of January 28, 2006 as the date on which the application fulfilled the requirements of 35 U.S.C. § 371(c) (*see* Patent Term Adjustments document in PAIR, entry on January 28, 2006 (7th entry from the end)). Applicant respectfully submits that this date is incorrect.

To meet the requirements under 35 U.S.C. § 371(c) an applicant must file with the PTO (1) the fee; (2) a copy of the international application unless it is already communicated by the International Bureau and a translation of the international application into the English language, if it was filed in another language; (3) any amendments made to the claims in the international application; (4) the Declaration; and (5) a translation into the English language of any annexes to the international preliminary examination report. In the case of the '799 application, Applicant met each of these requirements, if needed, on the actual date of filing of January 25, 2006. In addition, Applicant filed the application on under 35 U.S.C. § 371(f) requesting expedited examination (copy enclosed of transmittal sheet requesting expedited examination under 35 U.S.C. § 371(f)). In addition, enclosed is a copy of the return post card showing that these items were submitted and acknowledged as received by the PTO on January 25, 2006.

Applicant Delay

Applicant delay for the present application constituted 16 days from October 7, 2008 to October 23, 2008; and 32 days from October 22, 2009 to November 23, 2009. Thus, the total Applicant delay constituted 48 days. Applicant does not dispute the PTO's calculation for Applicant delay.

Terminal Disclaimer

This patent is not subject to a terminal disclaimer.

Conclusion

In consideration of the events described above, the PTA calculation of a total of 294 days for this patent is believed to be incorrect. As such, Applicant respectfully requests recalculation of the PTA for this patent in the following manner:

- 1) Total PTO "A" delay should be calculated as 345 days;
- 2) Total Applicant delay should be calculated as 48 days; and

3) **Total PTA** prior to issuance and calculation of "B" delay should be **297 days**.

Accordingly, Applicant requests that the '799 application be accorded the correct total PTA of 297 days.

As noted above, the Commissioner is authorized to charge Deposit Account No. 50-0220 in the amount of \$200.00 as the fee set forth pursuant to 37 C.F.R. § 1.18(e). This amount is believed to be correct. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

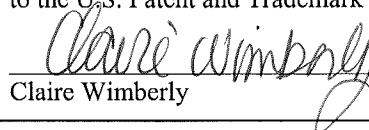


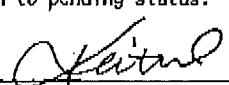
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CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office August 4, 2010.


Claire Wimberly

U.S. Application No. Not yet assigned		International Application No. PCT/JP2004/011036		Attorney's Docket No. TAM-060	
				CALCULATIONS	PTO USE ONLY
The following fees are submitted:					
21. [XX] Basic National Stage Fee				\$300.00	\$ 300.00
22. [XX] Examination fee If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)				\$100.00	
All other situations				\$200.00	\$ 200.00
23. [XX] Search Fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100.00	
International Search Report prepared and provided to the Office				\$400.00	
All other situations				\$500.00	\$ 400.00
TOTAL OF 21, 22 AND 23 =				\$	900.00
Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
National Stage Application Size Fee - If the specification and drawings exceed 100 sheets, the application size fee due is \$250.00 for each additional 50 sheets or fraction thereof.					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	8 - 20		x \$ 50.00	\$	0.00
Indep. claims	3 - 3		x \$ 200.00	\$	0.00
Multiple dependent claim(s) (if applicable)			+ \$ 360.00	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	900.00
Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by %.				\$	0.00
SUB TOTAL =				\$	900.00
Processing fee \$130.00 for furnishing the English translation later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	0.00
TOTAL NATIONAL FEE =				\$	900.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	40.00
TOTAL FEES ENCLOSED =				\$	940.00
				Amount to be refunded:	\$
				charged	\$
<p>a. [XX] Payment in the amount of \$940.00 is authorized by credit card (PTO-2038).</p> <p>b. [] Check in the amount of \$9.00 to cover the above fees is enclosed.</p> <p>c. [] Please charge my Deposit Account No. 111833 in the amount of \$_____ to cover the above fees.</p> <p>d. [XX] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 111833.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to review (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.</p>					
<p>SEND ALL CORRESPONDENCE TO:</p> <p>KUBOVCIK & KUBOVCIK The Farragut Building Suite 710 900 17th Street, N.W. Washington, D.C. 20006</p>				<p style="text-align: right;"> _____ Signature Keiko Yanaka-Kubovcik _____ Name 40,428 _____ Registration Number January 25, 2006 _____ Date</p>	

KTK/jbf

U.S. NAT'L STAGE OF PCT/JP2004/011036

Patent ☒

Atty. Docket No. TAM-060

Date: January 25, 2006

Title of Invention: AMINATED COMPLEX-TYPE SUGAR CHAIN DERIVATIVES AND
PROCESS FOR THE PRODUCTION THEREOF

Applicants: Yasuhiro KAJIHARA and Kazuhiro FUKAE

☒ Payment by Credit Card for \$940.00 (Form PTO-2038)

☒ PCT Application Transmittal (35 U.S.C. 371)

☒ Declaration & Power of Attorney

☒ Fee Transmittal

☒ Assignment

1/25/06
☒ Preliminary Amendment

☐ Assertion of Entitlement to Small Entity Status

☒ English Translation of Specification, Claims & Abstract (26 pages)

☒ Formal Drawings (3 sheets, Figs. 1-3)

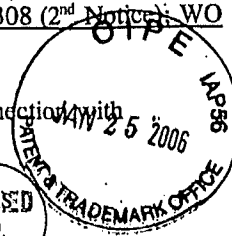
☐ IDS: PTO-1449 & * doc(s)

☒ Other: PCT/ISA/210 & 237; PCT/IB/301, 304, 308 (1st Notice) & 308 (2nd Notice); WO
2005/010053 (cover page)

Receipt is hereby acknowledged of the papers filed as indicated in connection with
the above-identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS

(Due: 01/28/06)



COPY